



Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.913
6 October 2003

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fourth session

SUMMARY RECORD OF THE 913rd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 30 September 2003, at 3 p.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Bangladesh (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.03-44233 (E) 031003 061003

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Bangladesh (continued) (CRC/C/65/Add.22; CRC/C/Q/BGD/2; CRC/C/RESP/41)

1. At the invitation of the Chairperson, Mr. Ali, Mr. Asaduzzaman, Ms. Begum, Ms. Fatima, Mr. Haque, Mr. Hossain and Mr. Siddiqui took places at the Committee table.
2. Ms. KHATTAB said that she wished to know how the Government used the girls' education initiative to address such issues as adolescent health, discrimination against girls, and child labour. She asked whether the initiative had had an impact on the problems of early marriage and violence.
3. Ms. ORTIZ requested information on the number of children under the age of 6, including domestic servants and street children, who had been placed in institutions. She asked whether a judicial order was required for parents to place an "uncontrollable" child in an institution. It would be useful to know who was in charge of such institutions and whether children were placed there for a specific period of time. She wished to know how child beggars were treated and rehabilitated and whether girls were still being held in adult detention centres.
4. Mr. FILALI said that he wished to know how the Government intended to address the problems that might arise as a result of Bangladesh's lack of legislation on refugees. He requested information on the situation of children of refugees who had been born in Bangladesh. In particular, he wished to know whether such children were eligible for citizenship.
5. He would be interested in knowing what measures had been taken to limit violence and abuse by police officers. In view of the disturbing number of rapes in Bangladesh, he wondered how the Government intended to deal with the potential consequences of the ban on abortion.
6. He was surprised that children did not have the right to a medical exam upon their release from police custody. The fact that children could be held in custody for up to 15 days without charges was a matter of great concern. He expressed alarm that children between the ages of 16 and 18 could be sentenced to death. Finally, he asked whether non-commissioned officers could participate in armed conflicts from the age of 16 and a half.
7. Mr. SIDDIQUI (Bangladesh) said that, although Bangladesh had no legislation on refugees, the Government took care of refugees and provided them with land, medical and educational facilities and a number of other services. Owing to repatriation efforts and Bangladesh's improved relations with Myanmar, only 15,000 Myanmar refugees remained in Bangladesh. Most Bihari refugees awaiting repatriation to Pakistan were well protected; they were allowed to work and were provided with food, electricity and other services.
8. The CHAIRPERSON said that, although the Biharis wished to return to Pakistan, very few could do so because the Government of Pakistan refused to accept them.
9. Mr. SIDDIQUI (Bangladesh) said that the Government would care for the Biharis as long as they remained in Bangladesh.

10. Ms. OUEDRAOGO asked whether the Government had taken measures to grant citizenship to the younger generation of the Biharis, who had no affiliation with Pakistan, did not speak Urdu and wished to remain in Bangladesh.
11. Mr. SIDDIQUI (Bangladesh) said that there were no strict citizenship rules in Bangladesh and the Government did not prevent children of Biharis from mixing with the rest of the population. It was up to the parents to decide whether they wanted their children to remain in Bangladesh.
12. Although the newborn mortality rate had improved, the number of neonatal deaths remained extremely high. The Government was taking steps to train health workers, provide rural hospitals with ambulances and establish community clinics. The Health, Nutrition and Population Sector Programme had been launched with a view to reforming the health and family welfare sectors. The Programme focused on the problem of newborn mortality and the reproductive health of adolescent girls.
13. The low incidence of HIV/AIDS in Bangladesh could be explained by the fact that extramarital sexual relations were perceived as unacceptable. Other reasons included the existence of an extensive family planning programme and measures to ensure that HIV/AIDS was not brought into Bangladesh by persons, including soldiers, who had travelled abroad.
14. Under new legislation on birth registration, birth certificates were compulsory for access to a number of services.
15. The CHAIRPERSON said that he hoped that birth certificates would be issued free of charge. It would be useful to know how many children under 18 years of age had been registered. He asked whether additional registration measures would be introduced for children under 18 years of age who had not been registered, and what would be done to ensure birth registration in remote areas.
16. Ms. SARDENBERG wished to know why there were so many problems in the area of birth registration.
17. Mr. LIWSKI asked whether there had been any interference in the process of birth registration, such as the registration of false identities or fictitious births.
18. Ms. Yanghee LEE wished to know what percentage of children with disabilities had been registered.
19. Mr. SIDDIQUI (Bangladesh) said that the Government would take steps to address the problems relating to birth registration. Only a small percentage of children with disabilities had been registered.
20. Ms. BEGUM (Bangladesh) said that the Government had launched a nationwide road march to raise awareness about a number of issues, including trafficking and domestic violence. Under the Women and Children Repression Prevention Act, perpetrators of violence were severely punished. Since the introduction of the Acid Control Act in 2000, the acid crime rate had been reduced, and trials by camera had been introduced with a view to protecting victims.

21. Since adoption of the Evidence Act, victims of rape and domestic violence could seek assistance from a doctor rather than lodge a complaint with the police. A medical report submitted by a qualified doctor could be treated as evidence in court. Rape victims received psychosocial treatment to help them deal with the stigma attached to their status in society. With financial assistance from the Netherlands, the Government planned to establish drop-in crisis centres throughout the country, as well as hotlines for distressed women.
22. Ms. Yanghee LEE said that it was unclear how blind women, or women living in rural areas where there were no local doctors, could file a complaint if they were raped. She expressed concern that women who admitted to being raped could be forced into prostitution on account of the social stigma attached to rape victims.
23. The CHAIRPERSON asked whether an adult could be charged with rape on the basis of evidence submitted by a doctor following the medical examination of a child. According to reports that he had received, the testimony of a child could be ruled inadmissible in court.
24. Ms. BEGUM (Bangladesh) said that a child's testimony to a doctor was admissible evidence in court.
25. Ms. KHATTAB said that psychosocial treatment for rape victims failed to address the problem of stigmatization. Steps should be taken to change attitudes in Bangladesh.
26. Mr. SIDDIQUI (Bangladesh) said that, although the Government had tried to alter public attitudes through media campaigns, more concerted efforts were required to overcome deep-rooted prejudices.
27. Ms. BEGUM (Bangladesh) said that the Government attached great importance to efforts to combat trafficking in children. Pursuant to the Suppression of Violence against Women and Children Act of 2000, persons found guilty of child trafficking could be sentenced to death or life imprisonment. An integrated project had been designed to eliminate trafficking, with special emphasis on cross-border activities. The Government had requested assistance from the International Organization for Migration to implement a project for protecting boys under the age of 14 from being abducted to work as camel jockeys. Such projects were designed to promote safe labour migration.
28. Since 2000, 30 September had been designated as Girl Child Day in order to raise awareness of problems affecting the girl child. A project designed to enhance adolescent girls' awareness of reproductive health issues had been carried out with support from the United Nations Population Fund.
29. The CHAIRPERSON asked for further details of the Early Childhood Development Project, launched in 2001.
30. Ms. BEGUM (Bangladesh) said the Project, which was being implemented jointly by the United Nations Children's Fund (UNICEF) and the Ministry of Health, was designed to provide counselling to parents of children under the age of 6. Parents were encouraged to seek advice concerning their child's welfare and development at drop-in centres staffed by health workers.

31. The CHAIRPERSON said that he would like to know more about the social policy paper on children in institutions.
32. Ms. BEGUM (Bangladesh) said that the policy paper had just been completed and that its implementation would begin shortly. The main purpose of the paper was to develop a strategy to enable children in prison to return to their family environment as soon as possible. In her view, it should be extended to cover children in shelter homes and even street children.
33. Mr. HOSSAIN (Bangladesh) said that, while the Compulsory Primary Education Act 1990 was applicable to all children between the ages of 6 and 10, in practice the lower age limit was not strictly observed. Although primary school enrolment had increased, the quality of education remained unsatisfactory. The Primary Education Development Programme, which was financed by various development partners, had been designed to improve facilities in primary schools throughout the country and create 35,000 new posts for teachers over the next six years. More than 5 million children had received benefits under the Primary Education Stipend Programme, which was designed to reduce drop-out rates.
34. The CHAIRPERSON said that the drop-out rate was still over 30 per cent for primary schools and over 50 per cent for secondary schools. He asked whether families were too poor to send their children to school, or whether society undervalued the importance of primary education.
35. Mr. HOSSAIN (Bangladesh) said that 40 per cent of poor children in each school qualified for the stipend bonus as a reward for regular school attendance. Parents received 100 taka (Tk) for sending one child to school, and Tk 125 for more than one child. Primary school was free of charge, and poor children were entitled to free stationery and exercise books.
36. The authorities discouraged the use of corporal punishment in schools, and teachers who broke the rules faced strong disciplinary action. Parent-teacher associations had been set up in many schools to discuss such issues. A number of steps had been taken to facilitate disabled children's access to schools, and the Government had established a 5 per cent quota for appointing teachers with disabilities.
37. Mr. SIDDIQUI (Bangladesh) said that the Ministry of Social Welfare provided vocational training for adolescent children with disabilities. Public facilities, such as buses and toilets, were being adapted to suit the needs of disabled persons. The most difficult problem was to overcome the social stigma attached to persons with disabilities.
38. Mr. HAQUE (Bangladesh) said that there were an estimated 445,000 street children in Bangladesh, many of whom benefited from health and training services provided by non-governmental organizations (NGOs).
39. The CHAIRPERSON asked whether street children were exposed to police brutality.

40. Mr. SIDDIQUI (Bangladesh) said that, thanks to Bangladesh's free and active media, cases of police brutality were quickly brought to the attention of the authorities, and appropriate disciplinary measures were taken. The retired police officers' association played an active role in promoting good conduct among younger officers.

41. Ms. BEGUM (Bangladesh) said that an inter-ministerial committee had been set up by the Ministry of Women and Children's Affairs to coordinate implementation of the Convention. Child rights forums had been established in all 64 districts and comprised local officials and representatives of civil society working in the area of children's rights. The National Children Council was responsible for policy development and for undertaking the necessary legal reforms to protect children's rights. The Ministry of Women and Children's Affairs had recently set up a working group to identify ways of improving coordination among the various child rights bodies. Many child rights forums failed to function effectively owing to a lack of funding and confused terms of reference.

42. Mr. ASADUZZAMAN (Bangladesh) said that an independent anti-corruption act was being considered by the Cabinet and would soon be submitted to Parliament. The Ombudsman Act had already been adopted and would soon enter into force, while the human rights bill on the establishment of a national human rights commission had been submitted to the Cabinet Committee for final approval and subsequent consideration by Parliament. With regard to child labour, the Government had taken measures to rehabilitate and educate a large number of girls whom it had previously employed.

43. Mr. LIWSKI asked why adolescents required the permission of a magistrate in order to hold a public meeting.

44. Ms. ORTIZ said that she was concerned about the high number of orphans and street children in Bangladesh. She requested information on the role of mothers who lived in the orphanages with their children. She asked whether there were any obstacles that prevented such mothers from working in order to support and care for their children at home. She wished to know whether the Government had implemented any programmes to strengthen the role of mothers in general. The delegation should provide information on the number of girls employed as domestic workers and on any programmes that the Government had undertaken to assist child domestic workers.

45. Ms. SMITH urged the Government to develop programmes to raise awareness among families concerning the rights of child domestic workers. It was not a good idea to reunite children with their families if their families continued to subject them to violence and ill-treatment. In some cases, a better alternative would be to remove children from a situation of violence and place them in homes that could provide a good education and sound values. According to the information that she had received, less than half of the reported cases of child trafficking had resulted in convictions. The Government should take steps to make child trafficking cases more visible in the media.

46. Mr. SIDDIQUI (Bangladesh) said that in Bangladesh everyone had the right to freedom of assembly. He agreed that mothers in orphanages should be allowed to participate in running

the orphanages. A number of NGOs had set up programmes to assist girls employed as domestic workers. The programme sought to raise awareness of children's rights among such girls and their employers, and offered evening courses for girl domestic workers.

47. Ms. ORTIZ said that the NGO programmes should be accompanied by government measures to establish the minimum age of employment and conditions of work for child domestic workers, as well as provisions for their education and family visits.

48. Mr. SIDDIQUI (Bangladesh) agreed that there should be a minimum age for child domestic workers. Family violence was one of the root causes of the phenomenon of street children. A number of NGOs, with the support of the Government, operated shelters for street children in the urban districts of Bangladesh. In Bangladesh, even high-ranking officials were involved in trafficking. The problem had to be tackled from various angles in order to change attitudes, alleviate poverty and apprehend corrupt individuals on both sides of the border. The Government would make efforts to publicize trafficking cases.

49. Mr. HAQUE (Bangladesh) said that the Vulnerable Groups Development Project had been in operation for many years and had helped single and widowed mothers to improve their economic status.

50. Mr. FILALI enquired how the Government dealt with parents who had abandoned their children, since abandonment constituted a criminal offence. He also wished to know what measures the Government had taken to provide alternative care for such children.

51. Mr. SIDDIQUI (Bangladesh) said that there were no laws in Bangladesh that permitted the Government to take action against parents who abandoned their children. The allegation that the Government had withheld rice rations from the Jumma people was untrue. The Government fully respected the rights of people living in tribal areas and was fully committed to supporting their development.

52. Ms. SMITH enquired whether Bihari children had the right to become citizens of Bangladesh.

53. Mr. SIDDIQUI (Bangladesh) said that the Bihari people had been in Bangladesh since the 1970s. Through intermarriage and their acquisition of the Bengali language, they had become integrated into society and were de facto citizens of Bangladesh. They enjoyed all the privileges of citizenship and could easily obtain a Bangladesh passport if they so desired.

54. Mr. LIWSKI asked what the main goals of the 2000 National Health Policy were and whether they included reducing the maternal and infant mortality rates. He also wished to know what role local organizations, government or private, would play in implementing the National Health Policy. He wondered whether the Government had identified any harmful traditional practices affecting the health of mothers or children that should be examined in the context of the Policy. The delegation should indicate whether the Policy included a training component for health-care professionals and, if so, whether it included instruction in the principles of the Convention. He asked what steps had been taken to prepare children for appearing in court as child-abuse victims.

55. Ms. ORTIZ wished to know what results had been obtained by the learning and earning programme. She requested information on the programme's operation, the ages and sex of the children involved, the types of courses that were taught and whether the schools adapted their curricula to children's needs.

56. Ms. CHUTIKUL said that it was unclear whether the office of the ombudsman and the human rights commission had been established. She wondered whether Bangladesh had an ombudsman, or other similar official, specifically responsible for child-related issues.

57. Ms. OUEDRAOGO said that the delegation should indicate whether there were any religious schools in Bangladesh and, if so, explain their status. She would be interested in knowing what forms of discipline were used in such schools and whether pupils had the right to participate in recreational and leisure activities.

58. Mr. FILALI requested further information about the Bengal Vagrancy Act of 1943, which seemed to allow police officers to become involved in suspect activities.

59. The CHAIRPERSON said that the delegation should indicate whether the Suppression of Violence against Women and Children Act of 2000 applied to all children, including those over the age of 16. He expressed concern about the fact that the juvenile justice system applied only to children up to the age of 16. He wondered whether 16- and 17-year-olds could be sentenced to death or life imprisonment.

60. Mr. SIDDIQUI (Bangladesh) said that Bangladesh's poverty reduction strategy paper would provide a framework for all development activities. Bangladesh would be able to overcome its problems only if it could alleviate poverty.

61. The aim of the National Health Policy, which had been introduced in 2000, was to provide comprehensive and cost-effective primary health services. It would also address problems relating to nutrition. The Policy could be revised at any time to address specific problem areas identified by the poverty reduction strategy paper.

62. Although the Government encouraged certain traditional practices, such as the use of herbal medicines, it had endeavoured to prevent potentially harmful practices. For example, it provided specialized health training to traditional birth attendants.

63. Most vocational training was provided by NGOs. One particularly successful local programme provided a combination of basic primary education and vocational training for underprivileged people, including street children and domestic workers. The Government had considered the possibility of introducing a similar programme at the national level but it lacked the resources to do so.

64. The post of general ombudsman that had been created under the Ombudsman Act of 1980 had not yet been filled owing to the lack of a suitable candidate. The Government hoped that, in the near future, it would be in a position to appoint a suitable ombudsman to address the malfunctioning of the human rights system in Bangladesh and establish a human rights

commission. A children's commission would also be appointed. The Government was having difficulties in appointing qualified experts to high-level monitoring posts because it was unable to pay the high salaries that such posts demanded.

65. The high level of corruption in Bangladesh accounted for many of the country's shortcomings. The Government had therefore undertaken, with its development partners, to establish an independent anti-corruption commission.

66. The Bengal Vagrancy Act had been enacted by the colonial authorities in 1943 during a period of severe famine, partly to prevent vagrant beggars from disturbing the peace. It had remained in force in Bangladesh since that time and had been misused by certain parties. The authorities were currently considering the possibility of repealing that Act.

67. Although children had an opportunity to participate in recreational and cultural activities at school, facilities such as parks and playing fields were limited in densely populated urban areas.

68. The definition of a child set out in the Suppression of Violence against Women and Children Act 2000 had been raised to include any person up to the age of 16. Furthermore, the Government intended to increase the age of criminal responsibility to 18.

69. Efforts were being made to modernize religious schools in Bangladesh by incorporating into their curricula subjects other than religious education. However, many Islamic religious leaders had received no secular or vocational education and were unable to introduce appropriate changes. He pointed out that madrasas in Bangladesh were not hotbeds of extremism or bigotry.

70. The CHAIRPERSON expressed concern about the fact that a child under the age of 16 could be sentenced to imprisonment if the court determined that the child was "of so unruly or of so depraved character" that he or she could not be committed to a certified institution. He wished to know what the Government was doing to prevent children from being placed in detention with convicted criminals.

71. Mr. SIDDIQUI (Bangladesh) said that a child could be held in police custody for up to 24 hours. In some cases, children were held for longer periods and were placed in the same cells as adults. A proposal had been made to provide separate detention facilities in all police stations for men, women and children. In the meantime, all police stations had been instructed to segregate children from adults wherever possible.

72. If a child was convicted of an offence, he or she could be sent to a correction centre. Although males were detained separately from females, there were no correctional facilities specifically for children. The Government had therefore proposed the creation of new correctional facilities that would allow children to be detained separately from adults.

73. There were approximately 11,000 children in prisons throughout Bangladesh, all of whom were detained separately from adults. He had been mandated by the Supreme Court to remove all children from prisons within a year and had instructed the prison authorities to review all cases involving children and to report regularly on their progress.

74. Mr. ASADUZZAMAN (Bangladesh) said that, as far as he could recall, no child in Bangladesh had ever been sentenced to death or transportation. Only children who were very unruly or depraved could be sentenced to life imprisonment. Members of the judiciary were instructed to treat children with compassion. The juvenile courts, which dealt with cases involving children up to the age of 16, had sentenced very few children to imprisonment, and most convictions involved relatively short prison terms.

75. Children were detained with adults only in very rare and exceptional cases. A number of legal aid committees had been established at the national and local levels under the Ministry of Law, Justice and Parliamentary Affairs in order to ensure that no minor was erroneously detained in prison with adults. The Government was trying to impress on the law enforcement authorities that separate proceedings must be held in cases where a minor and an adult were jointly charged with an offence, and that minors should be detained separately from adults.

76. Mr. CITARELLA said that, according to the report, children as young as 17 were subject to capital punishment and that, in exceptional circumstances, children as young as 7 could be sentenced to life imprisonment. He expressed concern that, under the Children Act, a child found guilty of an offence punishable by death, transportation or imprisonment could be sentenced to between 2 and 10 years' detention in a certified institute. He wondered whether a child convicted of a minor offence such as theft could be sentenced to a minimum of two years' detention.

77. Mr. ASADUZZAMAN (Bangladesh) said that minimum sentences of two years could be imposed on children convicted of minor offences. However, those sentences were served in correctional centres rather than in prisons.

78. Mr. KRAPPMANN said that a number of positive developments had come to light during the discussion: stipends had been introduced to encourage children to attend school, steps had been taken to support girls who had been raped or abused, there was no gender disparity in primary school enrolment and there were many baby-friendly hospitals in Bangladesh. Another positive aspect was the virtual lack of child labour in the garment industry. However, a number of issues needed to be addressed. He was concerned about the system of birth registration, the high infant and maternal mortality rates and the unacceptable number of cases in which girls were raped or abused. He was also concerned about the use of child labour in the informal sector.

79. When preparing its concluding observations, the Committee would bear in mind that the Government of Bangladesh had made tremendous efforts in recent years to improve the quality of life of its children. However, it would also take into account the fact that Bangladesh's problems could not be solved only through coordination, monitoring, budget allocations and laws but also required a change in attitudes and basic behavioural patterns.

80. Mr. SIDDIQUI (Bangladesh) said that the Committee's concluding observations would be widely disseminated in Bangladesh in a reader-friendly format and that a parliamentary committee would be established to oversee the implementation of the recommendations contained in the observations. His delegation was prepared to answer any further questions in writing.

The meeting rose at 5.55 p.m.